

Application No. 10/644,135
Amendment dated 02/06/2008
Office Action Mailed September 6, 2007

02-ASD-334 (EM)

REMARKS

The foregoing amendment and following remarks place this case in condition for allowance or, in the alternative, in better form for appeal. Entry of this amendment is therefore respectfully requested.

§ 112 rejection

Claims 1-9 and 15-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 1 to obviate this rejection and clarify that the sensing aperture is on the circuit board. Support for this structure can be found in paragraph [0014] and in the Figure, which shows aperture 46 (in dotted lines) disposed on circuit board 38 underneath pressure transducer 44. This amendment corrects the error noted by the Examiner in claim 1 and does not constitute a change requiring further consideration and/or search. Withdrawal of the rejection is respectfully requested.

§ 103 rejection

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by DE 198 39 843 to Hilberer ("Hilberer"), which corresponds to U.S. Patent No. 6,817,247. Applicant respectfully traverses this rejection.

The Examiner stated that Applicant's arguments were not persuasive because (1) the housing 4 in Hilberer meets the recitation of the claimed valve body and (2) it is inherent that the sensor mechanism must be exposed to fluid to register its pressure. Applicant respectfully disagrees.

The valve block 4 in Hilberer does not disclose or suggest the claimed valve body. "During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." MPEP § 2111. Expanding the claimed valve block to encompass a manifold, such as valve body 4 in Hilberer, stretches the term "valve body" beyond its broadest reasonable

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meaning. One of ordinary skill in the art would not have considered a manifold the same thing as a solenoid valve body because the solenoid valve 12 itself has its own body and because the manifold 4 is a separate and distinct component from the solenoid valve 12.

As noted in the previous response, Figure 1 of Hilberer shows that the pressure sensors 8 are located remotely from the solenoid valves 12, making it impossible for the circuit board 17 and pressure sensors 8 to be arranged so that the pressure sensing port of the valve body is aligned with the sensing aperture of the circuit board. Nothing in Hilberer discloses or suggests a circuit board carrying portion of a pressure sensor that is aligned with a pressure sensing port in a valve body like the claimed invention.

The Examiner also asserted that "it is inherent that the sensors include an aperture in that the sensor mechanism must be exposed to the fluid in order to register its pressure" (p. 3). However, this alone does not disclose the claimed invention because "[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." MPEP § 2112. The claimed alignment between the sensing aperture on the circuit board and the pressure sensing port on the pressure sensor does not necessarily flow from the limited teachings of Hilberer because, as noted in the previous response, the pressure sensors 8 in Hilberer do not even measure the pressure at the valves 12. Instead, the sensors 8 measure the fluid pressure in the pressure medium outlet bore 17, which is coupled to a regulating unit 11.

Even though it is true that a sensor must be exposed to fluid to measure pressure, the Examiner has not explained how sensing the pressure of a pressure medium outlet bore 17 in a manifold 4 (as shown in Hilberer) necessarily suggests aligning the pressure sensor with a pressure sensing port on a valve body and a sensing aperture on a circuit board so that the sensor senses an outlet pressure of a solenoid valve like the claimed invention. Hilberer's pressure sensors 8 are disposed remotely from the solenoid valves 12 and do not measure valve outlet pressure like the claimed invention. The Examiner has not explained how such an indirect route between the sensors 8 and the valves 12 in Hilberer necessarily suggests the claimed aligned structure.

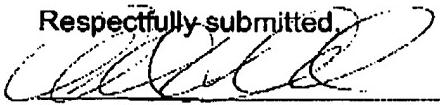
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Hilberer therefore fails to anticipate claims 1-20, and withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 05-0275.

Respectfully submitted,


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